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FROM: Michael Kawahara
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RE: USA v. Christie, et. al., USDC(Hawaii)
Criminal Case No. 10-00384 SOM

Pursuant to Chief District Judge Mollway's minute order entered July 19, 2010 (and following up on our prior letters to all counsel dated July 21 and 23, 2010), we raise the following considerations relative to the matters discussed in that order.

We have separately filed today our motion to declare the instant

case complex litigation and to continue the trial date (currently 9/8/10), with a request that the hearing thereon be concurrently set with the currently-established, final pretrial conference on 8/9/10.

The United States also plans to supersede the indictment. Among the new criminal charges currently under consideration are three marijuana distribution offenses to be asserted against defendant Christie for marijuana sales occurring at the Ministry to the undercover officer ("UC") on or about May 21, June 24, and August 13, 2008, respectively. The Ministry is located within 1,000 feet of Connections Charter School (174 Kamehameha Ave), and these crimes would be charged under 21 U.S.C. 860.

Given the foregoing, a recusal issue may arise with respect to the previously-disclosed transcript of the recorded 6/24/08 Christie-UC meeting. That recording/transcript-- which as previously described, includes Christie's conversation referencing Judge Mollway by name-- also documents Christie's one-half pound marijuana sales transaction with the UC on that date (as well as Christie's giving of a calamus sample [another controlled substance] to the UC). As such, that 6/24/08 recorded conversation would be admissible as trial evidence.

In addition, there may also be the possibility of Judge Mollway being a trial witness, depending upon what defenses Mr. Christie proposes to rely and/or whether he testifies at trial.

cc: Chief U.S. District Judge Susan Oki Mollway